



MICHAEL T. GMOSE
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ATTORNEY CLIENT PRIVILEGE
NOT A PUBLIC RECORD

May 28, 2019

Dennis H. Conrad, Jr.
Reily Twp. Trustee
6061 Reily-Millville Rd.
Oxford, OH 45056

Tim Miller
Reily Twp. Trustee
6061 Reily-Millville Rd.
Oxford, OH 45056

✓ C. Nicholas Schwab
Reily Twp. Trustee
6061 Reily-Millville Rd.
Oxford, OH 45056

Dear Trustees:

Last week I received a report from the Butler County Sheriff informing me of an investigation he commenced concerning an allegation of theft in office regarding Trustee Dennis Conrad. The allegation came to the Sheriff from a former employee who stated with photographic proof that Mr. Conrad used Township gasoline in his private vehicle. The motive of the person making the allegation is irrelevant and only determining the truth of the allegation was the task for the Sheriff. In furtherance, he delegated two senior detectives to the investigation who spoke with Mr. Conrad concerning the issue. To Mr. Conrad's credit, he was forthright and detailed in explaining his private use of Township property. As further expected, the investigation was thorough and detailed, and provided me with sufficient information to determine whether or not a criminal charge should issue.

To reach an appropriate conclusion, there are several factors that must be considered. The first of these is that institutionalized systemic theft over any period of time cannot, and will not, be tolerated. Second, if there had been a prior warning and breach of that warning by present repeated conduct, I would have no choice but to recommend a criminal charge. Third, consideration has to be given to any evidence of a specific intent to steal or use public property without authorization both of which constitute a theft. For Mr. Conrad, such intent would result in a charge of theft in office, because the fourth factor, actual proof of the use is not in dispute.

I have concluded that Reily Township has had a longstanding practice of allowing reimbursement of fuel for activities using private automobiles. Thus, employees, such as Mr. Conrad, have used private vehicles for some small Township business and then approximated the amount of fuel used. Replacement of the fuel used is then made by using Township fuel from a Township pump in the approximated amount. This procedure has gone on for at least thirty (30) years and the amount is approximately Four Thousand (\$4,000.00) Dollars. This procedure, done openly, is improper and stops now. The calculation of any such reimbursement cannot be approximated and done without

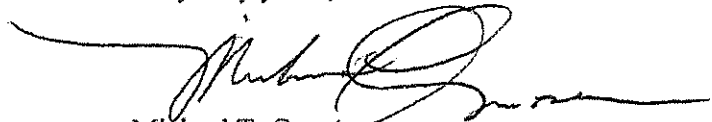
a specific written accounting. As an example, when groceries are purchased for a Township event the grocery clerk does not say "your bill is approximately \$...". A receipt is always given for the exact amount and a record is kept on both ends. The same applies here. To do otherwise encourages any user of Township property to bend toward improper and criminal use. If I found that the use of gas was more than a long standing misguided, but not criminal, practice - if the gas was used for vacations or ordinary daily personal expense, intent to steal would be inferred and I would recommend a felony criminal charge for that use.

I expect in the last century there were many short cuts for governmental accounting especially in small rural townships. Those times have changed and my warning, I hope, is clear that the practice as stated here cannot continue without severe criminal consequences.

Fortunately, I believe the Sheriff has also seen this for what it is and not something that could be sensationalized in the media that some currently enjoy by putting government in the worst possible light when public money is at issue. That can be a price to pay even when no criminal conduct has occurred.

Respectfully, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael T. Gmoe", with a long horizontal line extending to the left.

Michael T. Gmoe

Butler County Prosecuting Attorney

cc: Sheriff Richard K. Jones (ATTORNEY CLIENT PRIVILEGE, NOT A PUBLIC RECORD)
705 Hanover Street
Hamilton, OH 45011
(HAND DELIVERED)

To the Trustees of Reily Township,

On this date of March 18, 2019, I David Lierer, am giving my two weeks' notice of leaving my position of employment with Reily Township Road Maintenance. I will be using the combination of my vacation time along with my comp. time to fill in for those last two weeks making March 31, 2019 my last day.

David Lierer

3/18/19